



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AUG 08 2013

Ms. Suzanne Godin
Superintendent of Schools
City of South Portland, Maine
130 Wescott Road
South Portland, Maine 04106

Re: PCB Decontamination and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
South Portland High School
South Portland, Maine

Dear Ms. Godin:

This is in response to the South Portland School Department (SPSD) Notification¹ for approval of a proposed plan to address PCB contamination at the South Portland High School (the Site) located at 637 Highland Avenue, South Portland, Maine. The Site contains paint and other building materials that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a), § 761.61, and § 761.62.

SPSD has requested an approval under 40 CFR § 761.61(a) that includes the following activities:

- Remove PCB-contaminated paint from concrete block walls using abrasive blasting and dispose as a *PCB bulk product waste* in accordance with § 761.62(b)
- Remove plaster wall/ceiling covering coated with PCB-contaminated paint and dispose as a *PCB bulk product waste* in accordance with § 761.62(b)
- In the Boiler House, remove the red-painted concrete stairs and toe-rail and associated concrete floor and dispose as a *PCB bulk product waste* in accordance with § 761.62(b)

¹ The Notification was prepared by Credere Associates, LLC. on behalf of the South Portland School Department to satisfy the requirements under 40 CFR § 761.61(a)(3). Information was submitted dated June 13, 2013 (PCB Cleanup and Alternative Decontamination Plan) and July 31, 2013 (email response to EPA questions). This submittal shall be referred to as the "Notification".

- Conduct sampling of the underlying *porous surfaces* (i.e., concrete/concrete block) in accordance with the Notification to confirm that the PCB standard of less than or equal to (\leq) 1 part per million (ppm) has been met

SPSD has determined that certain building materials (e.g., certain paint/caulk) which have PCB concentrations at less than ($<$) 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of these products. However, as part of the demolition project and as indicated in the Notification, the *Excluded PCB Products* will be removed and disposed of in accordance with the Maine Department of Environmental Protection (MEDEP) regulations.

With the exception of the proposed verification sampling frequency for decontaminated *porous surfaces*, the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79(h) for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency are adequate to confirm that PCB cleanup standard has been met. EPA finds that the activities proposed by the SPSPD will not create an unreasonable risk to public health or the environment when conducted in accordance with the Notification and this Approval. EPA may approve the sampling under § 761.61(c).

SPSD may proceed with its project in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

This Approval does not release SPSPD from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the MEDEP regulations.

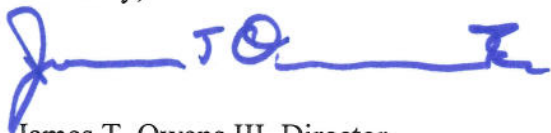
Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

Please be aware that this Approval requires SPSPD to conduct outreach activities for the South Portland High School community, including parents, students, and the school employees concerning the PCB remediation work. Documentation of the outreach effort shall be submitted to EPA. (Attachment 1, Approval Condition 12)

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. T. Owens III", with a stylized flourish at the end.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Jedd Steinglass, Credere Associates
Russ Brigham, South Portland School District
Stacy Ladner, Maine DEP
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB DECONTAMINATION AND DISPOSAL APPROVAL CONDITIONS
SOUTH PORTLAND HIGH SCHOOL (the Site)
SOUTH PORTLAND, MAINE**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The South Portland School Department (SPSD) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. SPSP must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, SPSP shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. SPSP is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time SPSP has or receives information indicating that SPSP or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by SPSP are authorized to conduct the activities set forth in the Notification. SPSP is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release SPSP from compliance with any applicable requirements of federal, state or local law; or 3) release SPSP from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from SPSP of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. SPSP shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.
12. SPSP shall conduct outreach activities for the school community, to include students, parents, and school employees on the PCB remediation work. SPSP shall submit information on its outreach activities within 30 days of receipt of this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

14. PCB-contaminated building materials shall be abated and verification sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB-contaminated paint and associated *porous surfaces* (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The cleanup standard for *porous surfaces* (e.g., concrete) shall be less than or equal to (\leq) 1 part per million.
 - i) Sampling for *porous surfaces* (i.e., concrete) shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - ii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - iii) Verification sampling shall be conducted in such a manner that samples are collected at a minimum frequency of 3 per wall and 1 per 10 linear feet (lf) of floor from all remediated media (e.g., concrete).
15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

16. SPSD shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by SPSD to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
20. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; if EPA finds that there is migration of PCBs from the Site; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. SPSD may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.

RECORDKEEPING AND REPORTING CONDITIONS

21. SPSD shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and disposal and the analytical sampling shall be established and maintained by SPSD in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.

22. The SPSD shall submit a final report in both hard copy and electronic copy to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
23. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
24. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1